United Nations/International Maritime Organization

Diplomatic Conference on Arrest of Ships

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Items 4 and 5 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK OF THE CONFERENCE

Provisional agenda, annotations to the provisional agenda and suggestions for the organization of the work of the Conference

Note by the secretariats of UNCTAD and IMO

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1: Opening of the Conference

1. The Conference will be opened on Monday, 1 March 1999, at 11 a.m. An informal meeting of Heads of Delegations will be held at 10 a.m.

Item 2: Election of the President

2. Rule 6 of the draft provisional rules of procedure (A/CONF.188/2) provides that the Conference shall elect a President from among the representatives. The Conference may wish to elect the President immediately after the opening of the Conference.

Item 3: Adoption of the rules of procedure

3. The draft rules of procedure prepared by the UNCTAD and IMO secretariats are contained in A/CONF.188/2. They are based on the rules of procedure adopted at the UN/IMO Conference of Plenipotentiaries on Maritime Liens and Mortgages.

Item 4: Adoption of the agenda

4. The provisional agenda of the Conference (see section I above) was drawn up by the secretariats of UNCTAD and IMO.

Item 5: Organization of the work of the Conference

5. A period of two weeks, from 1 to 12 March 1999, has been provided for the consideration by the Conference of the draft articles for a convention on arrest of ships.

6. The first plenary meeting of the Conference, to be held on Monday, 1 March 1999 at 11 a.m., may be expected to deal with the following items of the provisional agenda: 1. Opening of the Conference; 2. Election of the President; 3. Adoption of the rules of procedure; 4. Adoption of the agenda; 5. Organization of the work of the Conference; 6. Election of other officers; 7.(a) Appointment of a Credentials Committee; and general statements on agenda item 8.

7. Item 8 of the provisional agenda, "Preparation and adoption of a convention on arrest of ships", is expected to take up most of the time of the Conference, and it is suggested that detailed consideration of this item could begin on Monday, 1 March 1999, at 3 p.m.

8. Rule 46 of the provisional rules of procedure provides that the Conference may establish main committees as required. The Conference may wish

to consider establishing one Main Committee to deal with the entire set of draft articles, including final clauses.

9. According to rule 48 of the provisional rules of procedure, the Conference may establish such other committees and working groups as it deems necessary for the performance of its functions. The Conference may wish to consider the establishment of a Drafting Committee which would be entrusted with the task of redrafting articles or groups of articles on the basis of directions given by the Main Committee and would report back to that Committee. The Conference, when establishing the Drafting Committee, may also wish to entrust the drafting of the Final Act and a preamble for the convention to the Drafting Committee, with the request that the texts so drafted be submitted directly to the Plenary of the Conference.

10. Throughout the Conference, facilities will be available for morning and afternoon meetings, with interpretation. It is suggested that, as a rule, meetings in the morning be held from 10 a.m. to 1 p.m., and in the afternoon from 3 p.m. to 6 p.m. Limited facilities will be available for meetings of regional groups, as may be required.

11. A tentative schedule of meetings of the Plenary and the Main Committee is suggested in part III of this note.

Item 6: Election of other officers

12. In accordance with rule 6 of the provisional rules of procedure, it is suggested that, in addition to the election of the President, the following officers should be elected: (i) the Rapporteur-General of the Conference; (ii) the Chairman of the Main Committee; (iii) (seven) Vice-Presidents. These officers are to be elected with due regard for equitable geographical distribution and shall constitute the General Committee.

Item 7: Credentials:

(a) Appointment of a Credentials Committee

13. Rule 4 of the provisional rules of procedure provides that a Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its fifty-third session, which consisted of the following member States: China, Fiji, Jamaica, Mali, New Zealand, Russian Federation, United States of America, Venezuela and Zimbabwe.

14. It is suggested that, should any of the above States not be represented at the Conference, the regional group concerned would be requested to nominate a replacement.

(b) Report of the Credentials Committee

15. Rule 4 of the draft provisional rules of procedure further provides that the Credentials Committee shall examine the credentials of representatives and report to the Conference without delay.

Item 8: Preparation and adoption of a convention on arrest of ships

16. The Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, having completed the preparation of the draft articles for a convention on arrest of ships at its ninth session, in December 1996, recommended to UNCTAD's Trade and Development Board and the IMO Council to propose to the General Assembly of the United Nations the convening of a diplomatic conference to consider and adopt a convention on arrest of ships on the basis of the articles prepared by the Joint Group (see document JIGE(IX)/4-TD/B/IGE.1/4-LEG/MLM 41, annex I).

17. This recommendation was endorsed by the IMO Council at its seventy-eighth session and by UNCTAD's Trade and Development Board at its fifteenth executive session. The General Assembly, by its resolution 52/182, endorsed the convening of the Conference within the budget level proposed by the Secretary-General for the biennium 1998-1999.

18. The Trade and Development Board, at its sixteenth executive session, endorsed the arrangements for the Diplomatic Conference proposed by the UNCTAD secretariat in document TD/B/EX(16)/4, to the effect that the Secretaries-General of UNCTAD and IMO would make the necessary arrangements, in accordance with General Assembly resolution 52/182, to hold the Conference and to submit to the Conference all relevant documentation, including draft rules of procedure of the Conference, as well as to arrange for all required facilities for the Conference (TD/B/EX(16)/5, para. 12 (b)).

19. The Conference will have before it the following documents:

- The text of the draft articles for a convention on arrest of ships, including provisions on final clauses, prepared by the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects (JIGE(IX)/5-TD/B/IGE.1/5-LEG/MLM/42).

- The report of the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects on its ninth session (JIGE(IX)/4-TD/B/IGE.1/4-LEG/MLM/41).
- Comments by Governments and by intergovernmental and non-governmental organizations on the draft articles for a convention on arrest of ships (A/CONF.188/3).

20. It is suggested that the text of the draft articles for a convention on arrest of ships, including provisions on final clauses, prepared by the Joint UNCTAD/IMO Intergovernmental Group of Experts, should be the basic proposals for consideration by the Conference (see rule 29 of the provisional rules of procedure). It is further suggested that other proposals, including amendments, be submitted as early as possible during the Conference.

21. Following the adoption of a convention on arrest of ships, representatives may wish to sign the Final Act of the Conference.

Item 9: Consideration and adoption of final resolutions

22. Under this agenda item, the Conference may wish to consider resolutions, if any, in connection with the adoption of a convention on arrest of ships. It is suggested that such resolutions also be annexed to the Final Act.

III. TENTATIVE SCHEDULE OF MEETINGS FOR THE CONFERENCE

Item 8 of the provisional agenda is expected to take up most of the time of the Conference. The secretariats of UNCTAD and IMO have prepared the following schedule of meetings for consideration by the Conference.

FIRST WEEK
(1 - 5 March 1999)

Monday, 1 March	Tuesday, 2 March	Wednesday, 3 March	Thursday, 4 March	Friday, 5 March
10 a.m. Informal meeting of Heads of Delegation 11 a.m. PLENARY 1. Opening of Conference 2. Election of President 3. Adoption of rules of procedure 4. Adoption of the agenda 5. Organization of work 6. Election of other officers 7(a) Appointment of Credentials Committee 8. General statements	10 a.m. MAIN COMMITTEE Item 8 (continued)	10 a.m. MAIN COMMITTEE Item 8 (continued)	10 a.m. MAIN COMMITTEE Item 8 (continued) CREDENTIALS COMMITTEE Election of Chairman 7. Credentials	10 a.m. MAIN COMMITTEE Item 8 (continued)
3 p.m. MAIN COMMITTEE Election of Vice-Chairman of Main Committee 8. Preparation of a convention on arrest of ships	3 p.m. MAIN COMMITTEE Item 8 (continued)	3 p.m. MAIN COMMITTEE Item 8 (continued)	3 p.m. MAIN COMMITTEE Item 8 (continued)	3 p.m. MAIN COMMITTEE Item 8 (continued) 3 p.m. Credentials Committee Adoption of report

SECOND WEEK
(8 - 12 March 1999)

Monday, 8 March	Tuesday, 9 March	Wednesday, 10 March	Thursday, 11 March	Friday, 12 March
10 a.m. MAIN COMMITTEE Item 8 (continued)	10 a.m. MAIN COMMITTEE Item 8 (continued)	10 a.m. MAIN COMMITTEE Item 8 (continued)	10 a.m. MAIN COMMITTEE Final meeting	No meetings (Processing of documents)
3 p.m. MAIN COMMITTEE Item 8 (continued)	3 p.m. MAIN COMMITTEE Item 8 (continued)	3 p.m. MAIN COMMITTEE Item 8 (continued)	No meetings (Processing of documents)	PLENARY 7(b) Report of the Credentials Committee 8. Adoption of a convention on arrest of ships 9. Consideration and adoption of final resolutions 10. Other business 11. Adoption of the report of the Conference Closing statements Signing of Final Act